

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JASON MOOMJY, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

HQ SUSTAINABLE MARITIME
INDUSTRIES, INC., NORBERT SPORNS
and JEAN-PIERRE DALLAIRE, *et al.*

Defendants.

Case No. 2:11-cv-00726-RSL

CLASS ACTION

STIPULATION AND ORDER
EXTENDING TIME TO FILE BRIEFING
ON MOTIONS TO DISMISS IN LIGHT OF
SETTLEMENT PROGRESS

NOTE ON MOTION CALENDAR:

June 18, 2012

WHEREAS Defendants in this case filed motions to dismiss (Dkt. Nos. 109, 111, and 115) on February 7, 2012 (the "Motions to Dismiss");

WHEREAS on March 13, 2012, the Parties filed a Stipulation and Order extending the time for Lead Plaintiff to file its opposition to the Motions to Dismiss from March 30, 2012 until May 25, 2012 (and for Defendants to file their replies from April 25, 2012 to June 25, 2012), because the Parties had scheduled a mediation session with mediator Jed Melnick in New York on April 24-25, 2012;

WHEREAS by stipulation and order, the deadlines for the Lead Plaintiff's opposition to the Motions to Dismiss and Defendants' replies thereto were subsequently extended to June 15,

1 2012 and July 18, 2012, respectively, and the motions were re-noted for July 20, 2012 (Dkt. No.
2 124), with no further adjournments as the Parties anticipated that there would be no need for any
3 further adjournments;

4 WHEREAS the Parties originally participated in mediation sessions on April 24-25,
5 2012, and, as a result of subsequent arm's-length negotiations have recently made substantial
6 progress toward reaching an agreement to settle this action and, since the last adjournment, have
7 resolved several key issues for purposes of the settlement;

8 WHEREAS the Parties are commencing the process of preparing drafts of the settlement
9 agreement and papers related to preliminary approval of the settlement, notice to the class, and
10 the hearing for final approval of the settlement, including a proposed schedule for settlement-
11 related dates and deadlines;

12 WHEREAS further extending the time to file additional briefing on the motions to
13 dismiss would conserve the resources of the Parties and the Court and allow the Parties to
14 continue the significant efforts they have expended since the prior adjournment toward reaching
15 an agreement to settle this action;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
17 the Parties that:

18 1. The time for Lead Plaintiff to file an opposition to the motions to dismiss should
19 be extended from June 15, 2012 until August 3, 2012.

20 2. The time for HQ Sustainable Maritime Industries, Inc., Norbert Sporns, Jean-
21 Pierre Dallaire, Ladenburg Thalmann & Co. and Roth Capital Partners, LLC to file replies in
22 further support of their motions to dismiss should be extended from July 18, 2012 until
23 September 7, 2012.

24 3. The motions to dismiss should be re-noted for September 7, 2012.
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1 4. The Parties should be directed to file a status report with the Court within thirty
2 (30) days.

3 DATED: June 18, 2012

KELLER ROHRBACK L.L.P.

4 /s/ Elizabeth A. Leland

Lynn Lincoln Sarko, WSBA # 16569

5 Juli E. Farris, WSBA #17593

6 Elizabeth A. Leland, WSBA # 23433

1201 Third Avenue, Suite 3200

7 Seattle, WA 98101-3052

8 Telephone: (206) 623-1900

Liaison Counsel for the Proposed Class

9 COHEN MILSTEIN SELLERS & TOLL PLLC

10 Steven J. Toll

11 Julie G. Reiser, WSBA #27485

1100 New York Avenue, N.W.

12 Suite 500, West Tower

13 Washington, D.C. 20005

Telephone: (202) 408-4600

Lead Counsel for the Proposed Class

15 COZEN O'CONNOR

16 /s/ Benjamin J. Stone

17 Benjamin J. Stone

1201 Third Avenue, Suite 5200

18 Seattle, WA 98101-3071

19 Telephone: (206) 373-7237

Email: bstone@cozen.com

20 Robert Hayes

21 Rachel Robbins

Peter M. Ryan

22 Cozen O'Connor

1900 Market Street

23 Philadelphia, PA 19103

24 Telephone: (215) 665-2000

***Counsel for Defendant HQ Sustainable Maritime
25 Industries, Inc.***

1 YARMUTH WILSDON CALFO PLLC

2 /s/ Jeremy E. Roller

3 Jeremy E. Roller, WSBA No. 32021
4 Andrea Ostrovsky, WSBA No. 37749
5 818 Stewart Street, Suite 1400
6 Seattle, WA 98101
7 Telephone: (206) 516-3800
8 jroller@yarmuth.com
9 aostrovsky@yarmuth.com

10 CHADBOURNE & PARKE LLP

11 Thomas J. McCormack
12 Marc D. Ashley
13 Marcelo M. Blackburn
14 30 Rockefeller Plaza
15 New York, NY 10112
16 Telephone: (212) 408-5100
17 tmccormack@chadbourne.com
18 mashley@chadbourne.com
19 mblackburn@chadbourne.com
20 *Counsel for Defendants Norbert Sporns and Jean-*
21 *Pierre Dallaire*

22 SAVITT BRUCE & WILLEY LLP

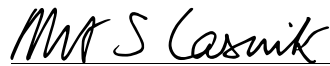
23 /s/ James P. Savitt

24 James P. Savitt, WSBA #16847
25 Miles A. Yanick, WSBA #26603
26 1425 Fourth Avenue, Suite 800
Seattle, WA 98101-2272
jsavitt@jetcitylaw.com
myanick@jetcitylaw.com
Counsel for Defendants Ladenburg Thalmann &
Co. and Roth Capital Partners, LLC

1 **ORDER**

2 IT IS HEREBY ORDERED that in light of the parties' progress toward settlement of this
3 action, and to conserve the resources of the Parties and the Court, the deadline for the Lead
4 Plaintiff to file an opposition to the pending motions to dismiss the consolidated complaint in
5 this action (Dkt. Nos. 109, 111, and 115) is extended until August 3, 2012. The Defendants shall
6 have until September 7, 2012 to file any replies in further support of their motions to dismiss.
7 The motions to dismiss shall be re-noted for September 7, 2012. The parties are directed to file a
8 status report with the Court within thirty (30) days.

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10 DATED this 18th day of June, 2012.

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14 Robert S. Lasnik
15 United States District Judge
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